



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 3736

Borje et al.

) Examiner: Matthew J. Kremer

Serial No.: 10/661,012

) INFORMATION DISCLOSURE STATEMENT

Filed: September 12, 2003

)

Confirmation No.: 6801

)

Atty. File No.: 44565-00041

)

For: "PULSE OXIMETER"

)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

)
CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
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VA 22313-1450 ON September 24, 2004.
MARS FISCHMANN & BREYFOGLE LLP
BY: 
Terri Belich

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, as well as a statement under 37 CFR § 1.97(e)(2). Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Respectfully submitted,

MARS FISCHMANN & BREYFOGLE LLP

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Date: 9/24/04

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
44565-00041

In Re Application Of:

Borje et al.

OCT 01 2004

SEARCHED & TRADEMAILED

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/661,012	September 12, 2003	Matthew J. Kremer	25231	3736	6801

Invention:

PULSE OXIMETER

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.



Signature

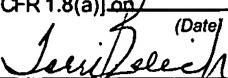
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